

APPEAL NO. 020221
FILED MARCH 7, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 17, 2002. The hearing officer determined that the respondent's (claimant) compensable injury of _____, includes an injury to the thoracic spine. The appellant (carrier) appeals on sufficiency of the evidence grounds. The claimant did not respond to the appeal.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury to his right shoulder on _____. The claimant testified that on _____, he was putting boxes into a crusher and a metal door swung around, hitting him just under his right shoulder blade, injuring his mid-back. The claimant also offered medical evidence from various doctors that indicate that the claimant's back injury is related to his employment. The carrier offered conflicting evidence and argument.

Extent of injury is a question of fact for the hearing officer to resolve. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. Nothing in our review of the record indicates that the hearing officer's extent-of-injury determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE** and the name and address of its registered agent for service of process is

**ROBERT PARNELL
8144 WALNUT HILL LANE, SUITE 600
DALLAS, TEXAS 75231-4813.**

Michael B. McShane
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Thomas A. Knapp
Appeals Judge